

E 'Specially' DECS

> A weekly email update from the Division of Exceptional Children Services
> to Directors of Special Education on current issues, information and
> events.
> July 6, 2004 - Volume 1, Number 10
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>
> Question of the Week:
> What is the law on maintaining and disposing of special education records?
>
> The Kentucky State Archives and Records Commission has statutory authority
> under KRS 171.670 to establish standards and procedures for the disposal
> and destruction of public records.
>
> According to the Records Retention Schedule prepared by the KY Department
> for Libraries and Archives, Special Education Due Process Student Folder
> records can be destroyed 3 years from the date of the last activity and
> after notification of parent(s) or legal guardian(s). If the student is
> 18 and does not have a guardian, FERPA requires that notice is given to
> the student as well.
>
> Special Education Due Process records are defined in the Records Retention
> Schedule at x1. They do not include records that are permanent.
>
> Although "notification" is not defined in the Schedule, the notice should
> be actual notice - not constructive notice such as a newspaper notice.
> At the ARC meeting held prior to graduation or exiting from special
> education, written notice that the due process records will be destroyed
> in three years can be given to the parent (and student, if applicable).
> The written notice should be maintained and not destroyed as part of the
> special education due process folder.
>
> If the student has already exited the program, the notification
> requirement may be met by sending a letter regarding the pending
> destruction of the records to the last known address of the parent/
> student.
>
> The Records Retention Schedule, Public School District Model can be found
> on the web. The web site is:

>
 <<http://www.kdla.ky.gov/recmanagement/schedules/kypubschooldistrict.pdf>
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 > The Department of Libraries and Archives can be reached at (502) 564-8300
 > to answer specific questions regarding the maintenance and destruction of
 > public school records.
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 > The Question of the Week will be an on-going feature of E 'Specially'
 > DECS. If you have a special education question that you believe would be
 > of general interest to other Directors of Special Education, email your
 > suggestion to Sammie Lambert at slambert@kde.state.ky.us
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 > Preschool Performance Reports
 >
 > Participation of Eligible Three-and Four-Year-Old Children with Disabilities
 > in the State-Funded Preschool Program
 >
 > Each year on the Preschool Performance Report school district state-funded
 > preschool programs are required to provide the number of all children who
 > received state-funded preschool services during the school year.
 > State-funded preschool enrolled children are eligible in one of two
 > categories: free-lunch eligible four-year-olds or three- and
 > four-year-old children with disabilities.
 >
 > The Performance Report allows reporting in three educational placement
 > possibilities: preschool classes, home-based or itinerant. Four-year-old
 > free-lunch eligible children will all be reported in the preschool classes
 > setting. Three-and four-year-old children with disabilities may be
 > reported in any of the educational settings that reflect the continuum of
 > education services offered and provided to state-funded preschool
 > children.
 >
 > As an example, last year's report (2002-2003) reflected that, in meeting
 > the required continuum of services component of a free appropriate
 > education for three- and four-year-olds across the state, 112 children
 > received instructional support within a home-based program and 419
 > children received instructional support in other settings on an itinerant
 > basis. The remainder of 11,970 identified three- and four-year-olds with

> disabilities received their instructional support within a preschool
> classroom.
>
> The delivery of special education services for three-and four-year-
olds is
> defined in KRS 157.226 - Preschool Program for Disabled Children that
> states that these eligible children "...shall be eligible for a free
and
> appropriate preschool education and related services." Therefore,
all
> school districts are required to provide FAPE and related services to
> preschool students according to all Kentucky Administrative
Regulations,
> including the regulation regarding placement decisions of children
with
> disabilities found at 707 KAR 1:350.
>
> Section (1) of 707 KAR 1:350 states the preference under IDEA for
> educating children with disabilities - including preschool students -
with
> their non-disabled peers to the maximum extent appropriate. However,
> Section 2 of the placement decision regulation states "A LEA shall
ensure
> that a continuum of alternative placements is available to meet the
needs
> of children with disabilities for special education and related
services."
> Again, this section is applicable to preschool students. And the
IDEA
> requirement for individualized decision-making by the Admissions and
> Release Committee (ARC) based on the needs of each student also
applies to
> preschool students. Administrative convenience of the school
district
> shall not override the child's individualized needs.
>
> From the very beginning of the state-funded preschool program the
> following informational assistance has been used to guide
implementation
> of educational services for three- and four-year-old children with
> disabilities:
>
> For children with disabilities who are four years of age by October
1, the
> district shall make available preschool services which are operated
> according to the requirements for four-year-old children at risk
(free
> lunch eligible) pursuant to 704 KAR 3:410 or as determined by the
ARC.
>
> The district shall make preschool services available to eligible
children
> through a variety of program options. Options may include, but are
not
> limited to the following: parent-child (home-based), itinerant
programs
> or preschool class programs.

>
> The district is required to offer all children with disabilities who
are
> four years old a center-based classroom program a minimum of 10 hours
per
> week (the standard for "regular preschool education"), with whatever
> services might be needed by the child, such as supplemental aids,
speech
> therapy and transportation. Should the ARC determine that the IEP
cannot
> be implemented in the regular preschool classroom program with
> supplemental aids and services, then this would be an IEP decision
and an
> alternative placement would be made available (e.g. home-based
services,
> etc.)
>
> Since there is no Kentucky education program for three-year-old
children
> without disabilities, the district may choose to operate other
options
> rather than a classroom program as the setting for three-year-old
> children. The ARC shall determine how and where FAPE and related
services
> are provided among a variety of educational options including home-
based
> or itinerant. It is important to keep in mind that the needs of
child
> reflected in the IEP guide educational services decisions made by the
ARC.
> Therefore, a district shall not unequivocally state to families at
ARC
> meetings that there is "one" program delivery model for all
> three-year-olds.
>
> If you have questions about special education services for three- and
> four-year-old children with disabilities or the completion of the
> Preschool Performance Report, please contact me at the following e-
mail
> address or phone number:
>
> Barbara A. Singleton
> bsinglet@kde.state.ky.us <mailto:bsinglet@kde.state.ky.us>
> 502/564-7056
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> STISets
> Kentucky STISets Beginning of Year Regional Trainings
> July 12th - 27 th
> It is that time of year when schools begin to open up the new school
year
> in STISets with respect to setting up the system to track special
> education data in the school system. Data needs to be set up correct
at
> the start of the school year to satisfy state requirements for
reporting

> purposes. To update users on the procedures and latest changes with STI

> and KDE, we will be conducting STISets Beginning of the Year Seminars

> around the state of KY.

> There is no cost to the participants. It is recommended that the

> person(s) who enter the data in STISets on a day-to-day basis at the local

> school level and someone at the district level who works with the program

> on a regular basis attend this training. These one-day sessions are

> scheduled from 9:00am to 4:00pm local time. ***NOTE: Documentation will

> be available on the web site under the "Regional Training Sessions" sign

> up link closer to the date of the first session on July 12th.

> To register please logon to the STI website @ www.sti-k12.com, select the

> "Training" link on the left and under the section labeled "Regional

> Training Sessions" select Kentucky in the dropdown window for the regional

> registrations. If you need assistance with signing up for a class please

> contact Deven McGovern with STI at 1-877-844-0884 ext.1083 for

> information.

> The DECS will be applying for 6 hours of credit under the Effective

> Instructional Leadership Act for the 2004-2006 cycle for participation in

> this training.

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> Please see complete list of dates and sites below: Sign up early -

> space is limited.

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> STISets Training Schedule

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> July 12 West Kentucky Educational Cooperative - UK Ag Center,

> Princeton, KY

> July 13 River Region Educational Cooperative - Kentucky Wesleyan

> College, Winchester Center building, Owensboro, KY

> July 14 Caveland Special Education Cooperative - Carroll Knicely

> Center WKU South Campus, Bowling Green, KY

> July 15 Northern Kentucky Special Education Cooperative - NKSEC

> Offices, Cold Spring, KY

> July 16 Central Kentucky Special Education Cooperative - George

> Rogers Clark High School Auditorium, Winchester, KY

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> July 21 Kentucky Valley Educational Cooperative - Hazard Community

> College Room 208 J Marvin Jolley Center, Hazard, KY

> July 22 Wilderness Trail Special Education Cooperative - Center for

> Rural Development, Somerset, KY

> July 23 Upper Cumberland Special Education Cooperative - Cumberland

> Inn Hotel, Williamsburg, KY

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> July 26 Ohio Valley Educational Cooperative/Jefferson County -
> Shelby County Extension Office, Shelbyville, KY
> July 27 Big East Special Education Cooperative - Grayson
Conference
> Center, Grayson, KY
>
> Contact Information for E 'Specially' DECS
> - Sammie Lambert (slambert@kde.state.ky.us
> <mailto:slambert@kde.state.ky.us>) at 502 564-4474 for information on
> content.
>
> - Chris Thacker (cthacker@kde.state.ky.us
> <mailto:cthacker@kde.state.ky.us>) at 502 564-5279 for technical
> difficulties in receiving E 'Specially' DECS.
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> * *
> Forwarding of E 'Specially' DECS is not only allowed, it is
encouraged.
> Please send to staff in your district who may be able to benefit from
this
> information.